IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Seijun TANIKAWA, et al.

Serial No. 10/082,112   Group Art Unit: 2455

Confirmation No. 3525

Filed: February 26, 2002   Examiner: Philip B. Tran

For: INTERNET APPLIANCE TERMINAL, INTERNET APPLIANCE TERMINAL USER
        MANAGEMENT SYSTEM, AND INTERNET APPLIANCE USER MANAGEMENT
        PROGRAM

APPELLANTS' BRIEF IN REPLY UNDER 37 C.F.R. § 41.41

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Sir:

        In response to the Examiner's Answer mailed May 13, 2009 in the above-identified
application, Appellants submit this Reply Brief.

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(9) GROUNDS OF REJECTION

The grounds of rejection listed in the Examiner's Answer at pages 3-10 are substantially similar to those that were listed in the final Office Action mailed August 12, 2008, and have been addressed already in the Appeal Brief.

(10) RESPONSE TO ARGUMENTS

1.   Response To Argument That Independent Claim 1 Is Not Anticipated By Nobakht.

The Examiner asserts in section 10(B) of the Examiner's Answer, at page 13, lines 2-11, that:

> Examiner respecfully disagrees. Based on the broadest reasonable interpretation
> within the scope of the art, Nobakht clearly discloses an Internet appliance (IA)
> terminal user management device (i.e., server 110) which is connected to an IA
> terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht,
> Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418
> on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including
> an IA terminal identifier (i.e., terminal number) for identifying a number or mark of
> a manufacturer of the IA terminal, service information including the kind of service
> to be received, and user registration information (i.e., user name) including user
> information concerning the user who receives the service, said IA terminal
> information representing registration information required for an Internet
> connection.

This is submitted to be incorrect. First of all, under the provisions of M.P.E.P. §2111, the pending claims must be given their broadest reasonable interpretation consistent with the *specification* during patent examination, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

> During patent examination, the pending claims must be "given their broadest
> reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d
> 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Since, under the broadest reasonable interpretation of claim 1 consistent with the specification, Nobakht discloses no "Internet appliance (IA) terminal user management device . . . comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal

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information representing registration information required for an Internet connection," independent claim 1 is not anticipated by Nobakht.

Furthermore, under the provisions of M.P.E.P. §2111, the broadest reasonable interpretation of the claims must *also* be consistent with the interpretation that those *skilled* in the art would reach, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

> The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Since, under the broadest reasonable interpretation of claim 1 consistent with the interpretation that those skilled in the art would *reach*, Nobakht discloses no "Internet appliance (IA) terminal user management device . . . comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," independent claim 1 is not anticipated by Nobakht.

Nor do the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that request service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications

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currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 13, lines 13 and 14, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 1. Users who are requesting services have *already* registered.

The Examiner asserts in section 10(B), at page 13, lines 20, 21, and 22, that:

> There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant.

To the contrary, as discussed above, the users in Nobakht who are, for example, requesting services have *already* registered at their user terminal 130, i.e. the terminal side. Consequently, there is no "Internet appliance (IA) terminal user management device . . . comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 1.

The Examiner goes on to assert in section 10(B), at page 13, line 22, continuing at page 14, lines 1-7, that:

> In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41] as shown above.

In Nobakht, to the contrary, the data transfer to which the Examiner refers does not take place until *after* the user has registered at the user terminal 130, i.e. the terminal side. Consequently, there is no "Internet appliance (IA) terminal user management device . . .

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comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 1.

The Examiner goes on to assert in section 10(B), at page 14, lines 8, 9, and 10, that:

> In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance (IA) terminal user management device . . . comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 1.

The Examiner goes on to assert in section 10(B), at page 14, lines 10-15:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance (IA) terminal user management device . . . comprising an IA terminal user storing unit storing IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information

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including user information concerning the user who receives the service, said IA terminal

information representing registration information required for an Internet connection," in

Nobakht, as recited in independent claim 1.

The Examiner goes on to assert in section 10(B), at page 14, lines 15-22, that:

> Server 110 then determines whether the information (registration information)
> transmitted from the terminal requesting service identifies a valid customer
> account (step 730). This step involves comparing the transmitted customer
> identification information (e.g., user PIN or customer number from the inserted
> smart card) and terminal information (e.g., the box serial number from the asset
> manager flash) that is received from the requesting terminal with corresponding
> information (registration information) stored in network database 416 [see
> Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information

(registration information) transmitted from the terminal requesting service identifies a valid

customer account, the user in Nobakht has *already* registered at the user terminal 130, and

consequently there is no "Internet appliance (IA) terminal user management device . . .

comprising an IA terminal user storing unit storing IA terminal information including an IA terminal

identifier for identifying a number or mark of a manufacturer of the IA terminal, service

information including the kind of service to be received, and user registration information

including user information concerning the user who receives the service, said IA terminal

information representing registration information required for an Internet connection," in

Nobakht, as recited in independent claim 1.

2.   Response To Arguments That Independent Claim 9 Is Not Anticipated By Nobakht.

First, the Examiner asserts in section 10(C), at page 16, lines 7-14, that:

> Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server
> system similar to the system in the instant application wherein there is data
> communication and interaction between the client and the server and wherein an
> Internet appliance (IA) terminal user management device (i.e., server 110) which
> is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e.,
> Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418
> on the server 110) storing IA terminal information (i.e., terminal number) [see
> Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41].

This is submitted to be incorrect. Neither of the databases 416 and 416 of Nobakht

contain "IA terminal information including an IA terminal identifier for identifying a number or

mark of a manufacturer of the IA terminal, service information including the kind of service to be

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received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that *request* service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 16, lines 16 and 17, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 9. Users who are requesting services have *already* registered.

The Examiner goes on to assert in section 10(C), at page 17, lines 3, 4, and 5, that:

> In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an

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Internet connection" in Nobakht, as recited in independent claim 9.

The Examiner goes on to assert in section 10(C), at page 17, lines 5-10:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection" in Nobakht, as recited in independent claim 9.

The Examiner goes on to assert in section 10(C), at page 17, lines 10-17, that:

> Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting terminal with corresponding information (registration information) stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "transmission and receiving unit transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the

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network, said IA terminal information representing registration information required for an

Internet connection" in Nobakht, as recited in independent claim 9.

Second, the Examiner asserts in section 10(C), at page 18, lines 16-20, continuing at

page 19, line 1 that:

> Examiner respectfully disagrees. Nobakht discloses the server 110 automatically
> performs several network operation functions that maintain and update channel-
> based network including user terminal authorization, download control, update
> control, version check before connecting the IA terminal to the IA terminal user
> management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines
> 10-26 and Col. 12, Line 43 to Col. 13, Line 52].

None of the network operation functions performed by the server 110, however, amount

to "the IA terminal user management device judges whether or not the user registration

information for the device has been written to the user storing unit of the IA terminal before

connecting the IA terminal to the IA terminal user management device," as recited in

independent claim 9. Nobakht, to the contrary, has no IA terminal user management device in

the first place, as discussed above.

The Examiner asserts further in section 10(C), at page 19, lines 1-8, that:

> In addition, Nobakht clearly discloses that server 110 then determines whether
> the information (registration information) transmitted from the terminal requesting
> service identifies a valid customer account (step 730). This step involves
> comparing the transmitted customer identification information (e.g., user PIN or
> customer number from the inserted smart card) and terminal information (e.g., the
> box serial number from the asset manager flash) that is received from the
> requesting terminal with corresponding information (registration information)
> stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line
> 20].

Since, as noted by the Examiner, server 110 compares the *transmitted* customer

identification information and a terminal information with corresponding information stored in the

network *database* 416, Nobakht is not judging "whether or not the user registration information

for the device has been written to the user storing unit of the IA terminal," as recited in

independent claim 9.

The Examiner goes on to assert in section 10(C), at page 19, lines 9-12, that:

> By comparing the current user/terminal information with corresponding
> information stored in the database (registration information), the server
> determines (judges) whether or not the user registration information for the device

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has been written (stored) to the database before connecting the terminal to the server.

Since, as noted by the Examiner, Nobakht is, at most, judging whether user registration information was stored in the *database*, i.e., on the device side, Nobakht is not judging "whether or not the user registration information for the device has been written to the user storing unit of the IA terminal," as recited in independent claim 9.

3.   Response To Arguments That Independent Claim 11 Is Not Anticipated By Nobakht.

The Examiner asserts in section 10(D) of the Examiner's Answer, at page 20, lines 16-21, continuing at page 21, lines 1-5, that:

> Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection.

This is submitted to be incorrect. First of all, under the provisions of M.P.E.P. §2111, the pending claims must be given their broadest reasonable interpretation consistent with the *specification* during patent examination, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

> During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Since, under the broadest reasonable interpretation of claim 11 consistent with the specification, Nobakht discloses no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information

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required for an Internet connection," in independent claim 11 is not anticipated by Nobakht.

Furthermore, under the provisions of M.P.E.P. §2111, the broadest reasonable interpretation of the claims must *also* be consistent with the interpretation that those *skilled* in the art would reach, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

> The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Since, under the broadest reasonable interpretation of claim 11 consistent with the interpretation that those skilled in the art would reach, Nobakht discloses no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," independent claim 11 is not anticipated by Nobakht.

Nor do the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that *request* service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications

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currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 21, lines 7 and 8, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 11. Users who are requesting services have *already* registered.

The Examiner asserts in section 10(D), at page 21, lines 14, 15, and 16, that:

> There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant.

To the contrary, as discussed above, the users in Nobakht who are, for example, requesting services have *already* registered at their user terminal 130, i.e. the terminal side. Consequently, there is no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 11.

The Examiner goes on to assert in section 10(D), at page 21, lines 16-21, continuing at page 22, lines 1 and 2, that:

> In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41] as shown above.

In Nobakht, to the contrary, the data transfer to which the Examiner refers does not take place until *after* the user has registered at the user terminal 130, i.e. the terminal side. Consequently, there is no "computer with which the IA terminal user management device

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managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 11.

The Examiner goes on to assert in section 10(D), at page 22, lines 3, 4, and 5, that:

> In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 11.

The Examiner goes on to assert in section 10(D), at page 22, lines 5-10:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to

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be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 11.

The Examiner goes on to assert in section 10(D), at page 22, lines 10-17, that:

Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting terminal with corresponding information (registration information) stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "computer with which the IA terminal user management device managing the IA terminal connected via a network is provided realize the function which stores, in a database, IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," in Nobakht, as recited in independent claim 11.

4.   Response To Arguments That Independent Claim 13 Is Not Anticipated By Nobakht.

First, the Examiner asserts in section 10(E), at page 24, lines 3-10, that:

Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41].

This is submitted to be incorrect. Neither of the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be

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received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that *request* service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 24, lines 12 and 13, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 13. Users who are requesting services have *already* registered.

The Examiner goes on to assert in section 10(E), at page 24, lines 19, 20, and 21, that:

> In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "function which transmits and receives IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via a network, said IA terminal information representing registration information required for an Internet connection" in

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Nobakht, as recited in independent claim 13.

The Examiner goes on to assert in section 10(E), at page 24, line 21, continuing at page 25, lines 1-5:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "function which transmits and receives IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via a network, said IA terminal information representing registration information required for an Internet connection" in Nobakht, as recited in independent claim 13.

The Examiner goes on to assert in section 10(E), at page 25, lines 5-12, that:

> Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting terminal with corresponding information (registration information) stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "function which transmits and receives IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA

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terminal user management device which manages the IA terminal via a network, said IA terminal

information representing registration information required for an Internet connection" in Nobakht,

as recited in independent claim 13.

Second, the Examiner asserts in section 10(E), at page 26, lines 8-13, that:

> Examiner respectfully disagrees. Nobakht discloses the server 110 automatically
> performs several network operation functions that maintain and update channel-
> based network including user terminal authorization, download control, update
> control, version check before connecting the IA terminal to the IA terminal user
> management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines
> 10-26 and Col. 12, Line 43 to Col. 13, Line 52].

None of the network operation functions performed by the server 110, however, amount

to "the IA terminal user management device judges whether or not the user registration

information for the device has been written to the user storing unit of the IA terminal before

connecting the IA terminal to the IA terminal user management device," as recited in

independent claim 13. Nobakht, to the contrary, has no IA terminal user management device in

the first place, as discussed above.

The Examiner asserts further in section 10(E), at page 26, lines 13-20, that:

> In addition, Nobakht clearly discloses that server 110 then determines whether
> the information (registration information) transmitted from the terminal requesting
> service identifies a valid customer account (step 730). This step involves
> comparing the transmitted customer identification information (e.g., user PIN or
> customer number from the inserted smart card) and terminal information (e.g., the
> box serial number from the asset manager flash) that is received from the
> requesting terminal with corresponding information (registration information)
> stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line
> 20].

Since, as noted by the Examiner, server 110 compares the *transmitted* customer

identification information and a terminal information with corresponding information stored in the

network *database* 416, Nobakht is not judging "whether or not the user registration information

for the device has been written to the user storing unit of the IA terminal," as recited in

independent claim 13.

The Examiner goes on to assert in section 10(E), at page 26, line 1, continuing at page

27, lines 1-4, that:

> By comparing the current user/terminal information with corresponding
> information stored in the database (registration information), the server

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determines (judges) whether or not the user registration information for the device has been written (stored) to the database before connecting the terminal to the server.

Since, as noted by the Examiner, Nobakht is, at most, judging whether user registration information was stored in the *database*, i.e., on the device side, Nobakht is not judging "whether or not the user registration information for the device has been written to the user storing unit of the IA terminal," as recited in independent claim 13.

5.   Response To Arguments That Independent Claim 15 Is Not Anticipated By Nobakht.

The Examiner asserts in section 10(F) of the Examiner's Answer, at page 28, lines 3-13, that:

Based on the broadest reasonable interpretation within the scope of the art, Nobakht clearly discloses an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier (i.e., terminal number) for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection.

This is submitted to be incorrect. First of all, under the provisions of M.P.E.P. §2111, the pending claims must be given their broadest reasonable interpretation consistent with the *specification* during patent examination, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Since, under the broadest reasonable interpretation of claim 15 consistent with the specification, Nobakht discloses no "Internet appliance user management device . . . comprising . . transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," independent claim 15 is not anticipated by Nobakht.

Furthermore, under the provisions of M.P.E.P. §2111, the broadest reasonable interpretation of the claims must *also* be consistent with the interpretation that those *skilled* in the

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art would reach, not simply the "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

> The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Since, under the broadest reasonable interpretation of claim 15 consistent with the interpretation that those skilled in the art would reach, Nobakht discloses no "Internet appliance user management device . . . comprising . . transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," independent claim 15 is not anticipated by Nobakht.

Nor do the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that *request* service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 29, lines 7 and 8, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 15. Users who are requesting services have

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already registered.

The Examiner asserts in section 10(F), at page 29, lines 1, 2, and 3, that:

> There is no such system in Nobakht that the data is processed on only the
> terminal side (i.e., client side) and not the device side (i.e., server side) as argued
> by appellant.

To the contrary, as discussed above, the users in Nobakht who are, for example,

requesting services have *already* registered at their user terminal 130, i.e. on the terminal side.

Consequently, there is no "Internet appliance user management device . . . comprising . .

transmission and receiving means for user management device transmitting and receiving the

user registration information to and from the IA terminal, and requests the IA terminal to input the

user registration information," in Nobakht, as recited in independent claim 15.

The Examiner goes on to assert in section 10(F), at page 29, lines 3-10, that:

> In fact, Nobakht clearly discloses a client-server system similar to the system in
> the instant application wherein there is data communication and interaction
> between the client and the server and wherein an Internet appliance (IA) terminal
> user management device (i.e., server 110) which is connected to an IA terminal
> (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA
> terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA
> terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C
> and Col. 8, Lines 16-41] as shown above.

In Nobakht, to the contrary, the data transfer to which the Examiner refers does not take

place until *after* the user has registered at the user terminal 130, i.e. on the terminal side.

Consequently, there is no "Internet appliance user management device . . . comprising . .

transmission and receiving means for user management device transmitting and receiving the

user registration information to and from the IA terminal, and requests the IA terminal to input the

user registration information," in Nobakht, as recited in independent claim 15.

The Examiner goes on to assert in section 10(F), at page 29, lines 11, 12, and 13, that:

> In addition, Nobakht further discloses that server 110 responds to the service
> request transmitted from set-top box 131 by performing an authorization check
> (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request

transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal

130, and consequently there is no "Internet appliance user management device . . . comprising .

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. transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 15.

The Examiner goes on to assert in section 10(F), at page 29, lines 13-18:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance user management device . . . comprising . . transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 15.

The Examiner goes on to assert in section 10(F), at page 29, lines 18-22, continuing at page 30, lines 1, 2, and 3, that:

> Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting terminal with corresponding information (registration information) stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance user management device . . . comprising . . transmission and receiving means for user management device transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 15.

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6.   Response To Arguments That Independent Claim 16 Is Not Anticipated By Nobakht.

First, the Examiner asserts in section 10(G), at page 31, lines 8-15, that:

> Again, examiner respectfully disagrees. Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41].

This is submitted to be incorrect. Neither of the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that *request* service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 31, lines 17 and 18, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 16. Users who are requesting services have *already* registered.

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The Examiner goes on to assert in section 10(G), at page 32, lines 3, 4, and 5, that:

In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "IA terminal which performs information communication with an IA terminal user management device for managing the IA terminal via a network, comprising: transmission and receiving means for transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection" in Nobakht, as recited in independent claim 16.

The Examiner goes on to assert in section 10(G), at page 32, lines 5-10, that:

First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "IA terminal which performs information communication with an IA terminal user management device for managing the IA terminal via a network, comprising: transmission and receiving means for transmitting and receiving IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal, service information including the kind of service to be received, user registration information including user information concerning the user who receives the service to and from the IA terminal user management device which manages the IA terminal via the network, said IA terminal information representing registration information required for an Internet connection" in

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Nobakht, as recited in independent claim 16.

The Examiner goes on to assert in section 10(G), at page 32, lines 10-17, that:

> Server 110 then determines whether the information (registration information)
> transmitted from the terminal requesting service identifies a valid customer
> account (step 730). This step involves comparing the transmitted customer
> identification information (e.g., user PIN or customer number from the inserted
> smart card) and terminal information (e.g., the box serial number from the asset
> manager flash) that is received from the requesting terminal with corresponding
> information (registration information) stored in network database 416 [see
> Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information
(registration information) transmitted from the terminal requesting service identifies a valid
customer account, the user in Nobakht has *already* registered at the user terminal 130, and
consequently there is no "IA terminal which performs information communication with an IA
terminal user management device for managing the IA terminal via a network, comprising:
transmission and receiving means for transmitting and receiving IA terminal information including
an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal,
service information including the kind of service to be received, user registration information
including user information concerning the user who receives the service to and from the IA
terminal user management device which manages the IA terminal via the network, said IA
terminal information representing registration information required for an Internet connection" in
Nobakht, as recited in independent claim 16.

Second, the Examiner asserts in section 10(G), at page 33, lines 16-20, continuing at
page 34, line 1, that:

> Examiner respectfully disagrees. Nobakht discloses the server 110 automatically
> performs several network operation functions that maintain and update channel-
> based network including user terminal authorization, download control, update
> control, version check before connecting the IA terminal to the IA terminal user
> management device [see Figs. 4 & 7 and Col. 8, Lines 1-40 and Col. 10, Lines
> 10-26 and Col. 12, Line 43 to Col. 13, Line 52].

None of the network operation functions performed by the server 110, however, amount
to "the IA terminal user management device judges whether or not the user registration
information for the device has been written to the user storing unit of the IA terminal before
connecting the IA terminal to the IA terminal user management device," as recited in
independent claim 16. Nobakht, to the contrary, has no IA terminal user management device in

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the first place, as discussed above.

The Examiner asserts further in section 10(G), at page 34, lines 1-8, that:

> In addition, Nobakht clearly discloses that server 110 then determines whether
> the information (registration information) transmitted from the terminal requesting
> service identifies a valid customer account (step 730). This step involves
> comparing the transmitted customer identification information (e.g., user PIN or
> customer number from the inserted smart card) and terminal information (e.g., the
> box serial number from the asset manager flash) that is received from the
> requesting terminal with corresponding information (registration information)
> stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line
> 20].

Since, as noted by the Examiner, server 110 compares the *transmitted* customer

identification information and a terminal information with corresponding information stored in the

network *database* 416, Nobakht is not judging "whether or not the user registration information

for the device has been written to the user storing unit of the IA terminal," as recited in

independent claim 16.

The Examiner goes on to assert in section 10(G), at page 34, lines 9-12, that:

> By comparing the current user/terminal information with corresponding
> information stored in the database (registration information), the server
> determines (judges) whether or not the user registration information for the device
> has been written (stored) to the database before connecting the terminal to the
> server.

Since, as noted by the Examiner, Nobakht is, at most, judging whether user registration

information was stored in the *database*, i.e., on the device side, Nobakht is not judging "whether

or not the user registration information for the device has been written to the user storing unit of

the IA terminal," as recited in independent claim 16.

7.   Response To Arguments That Independent Claim 17 Is Not Anticipated By Nobakht.

The Examiner asserts in section 10(H) of the Examiner's Answer, at page 35, lines 10-

20, that:

> Based on the broadest reasonable interpretation within the scope of the art,
> Nobakht clearly discloses an Internet appliance (IA) terminal user management
> device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals
> 130 A-D) via a network (i.e., Internet) [see Nobakht, Figs. 1 & 4], comprising an IA
> terminal user storing unit (i.e., databases 416 & 418 on the server 110) [see
> Nobakht, Fig. 4] storing IA terminal information including an IA terminal identifier
> (i.e., terminal number) for identifying a number or mark of a manufacturer of the

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IA terminal, service information including the kind of service to be received, and user registration information (i.e., user name) including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection.

This is submitted to be incorrect. First of all, under the provisions of M.P.E.P. §2111, the pending claims must be given their broadest reasonable interpretation consistent with the *specification* during patent examination, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Since, under the broadest reasonable interpretation of claim 17 consistent with the specification, Nobakht discloses no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," independent claim 17 is not anticipated by Nobakht.

Furthermore, under the provisions of M.P.E.P. §2111, the broadest reasonable interpretation of the claims must *also* be consistent with the interpretation that those *skilled* in the art would reach, not simply their "broadest reasonable interpretation within the scope of the art," as asserted by the Examiner. As provided therein:

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Since, under the broadest reasonable interpretation of claim 17 consistent with the interpretation that those skilled in the art would reach, Nobakht discloses no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," independent claim 17 is not anticipated by Nobakht.

Nor do the databases 416 and 416 of Nobakht contain "IA terminal information including an IA terminal identifier for identifying a number or mark of a manufacturer of the IA terminal,

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service information including the kind of service to be received, and user registration information including user information concerning the user who receives the service, said IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion.

Channel table database 414 of Nobakht, rather, stores one or more master channel tables, while network database 416 stores user and terminal information used to identify and authorize users that request service, not "IA terminal information representing registration information required for an Internet connection," contrary to the Examiner's assertion. In particular, as described at column 8, lines 30-41:

> Channel table database 414 stores one or more master channel tables entered in this manner. Network database 416 stores user and terminal information used to identify and authorize users that request service. In addition, network database 416 may store optional user home page information that allows each user convenient and secure access to e-mail, chat, and other Internet applications currently available to conventional network users. Update manager database 418 stores terminal information, current channel table version numbers, and other information used to coordinate user terminal update procedures.

The Examiner, in fact, acknowledges at page 36, lines 1 and 2, that "network database 416 stores user and terminal information used to identify and authorize users that request service," rather than "IA terminal information representing registration information required for an Internet connection" as recited in independent claim 17. Users who are requesting services have *already* registered.

The Examiner asserts in section 10(H), at page 36, lines 8, 9, and 10, that:

> There is no such system in Nobakht that the data is processed on only the terminal side (i.e., client side) and not the device side (i.e., server side) as argued by appellant.

To the contrary, as discussed above, the users in Nobakht who are, for example, requesting services have *already* registered at their user terminal 130. Consequently, there is no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 17.

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The Examiner goes on to assert in section 10(H), at page 36, lines 10-17, that:

> In fact, Nobakht clearly discloses a client-server system similar to the system in the instant application wherein there is data communication and interaction between the client and the server and wherein an Internet appliance (IA) terminal user management device (i.e., server 110) which is connected to an IA terminal (i.e., user terminals 130 A-D) via a network (i.e., Internet), comprising an IA terminal user storing unit (i.e., databases 416 & 418 on the server 110) storing IA terminal information (i.e., terminal number) [see Nobakht, Figs. 1 & 4 & 513-C and Col. 8, Lines 16-41] as shown above.

In Nobakht, to the contrary, the data transfer to which the Examiner refers does not take place until *after* the user has registered at the user terminal 130. Consequently, there is no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 17.

The Examiner goes on to assert in section 10(H), at page 36, lines 18, 19, and 20, that:

> In addition, Nobakht further discloses that server 110 responds to the service request transmitted from set-top box 131 by performing an authorization check (step 665-1).

Since, as noted by the Examiner, the server 110 responds to the service request transmitted from set-top box 131, the user in Nobakht has already registered at the user terminal 130, and consequently there is no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 17.

The Examiner goes on to assert in section 10(H), at page 36, lines 20, 21, and 22, continuing at page 37, lines 1, 2, and 3, that:

> First, server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card (e.g., customer identification number 331, user PIN 332, and age identifier 336; see smart card 232, FIG. 3(B)), and terminal identification information from the asset manager flash memory of the requesting terminal (e.g., box serial number 342; see asset manager flash 222, FIG. 3(C)).

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Since, as noted by the Examiner, the server 110 transmits a request for user and terminal information (step 730), and in turn receives user identification information from the inserted smart card, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 17.

The Examiner goes on to assert in section 10(H), at page 37, lines 3-10, that:

> Server 110 then determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account (step 730). This step involves comparing the transmitted customer identification information (e.g., user PIN or customer number from the inserted smart card) and terminal information (e.g., the box serial number from the asset manager flash) that is received from the requesting terminal with corresponding information (registration information) stored in network database 416 [see Nobakht, Col. 12, Line 43 to Col. 13, Line 20].

Since, as noted by the Examiner, the server 110 determines whether the information (registration information) transmitted from the terminal requesting service identifies a valid customer account, the user in Nobakht has *already* registered at the user terminal 130, and consequently there is no "Internet appliance (IA) terminal user management device which is connected to an IA terminal via a network, comprising . . . a transmission and receiving unit user management device, transmitting and receiving the user registration information to and from the IA terminal, and requests the IA terminal to input the user registration information," in Nobakht, as recited in independent claim 17.

For the forgoing reasons, Appellants request respectfully that the Board reverse the outstanding rejections of the claims of this application.

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CONTINGENT AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT AND CONTINGENT PETITION FOR EXTENSION OF TIME

Appellants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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